

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUMAYUN KABIR RAHMAN,  
f/k/a Md Humayun Kabir Talukder,  
a/k/a Ganu Miah,  
a/k/a Shafi Uddin,

Defendant.

Case No. \_\_\_\_\_

**COMPLAINT TO REVOKE  
NATURALIZATION**

**PRELIMINARY STATEMENT**

The United States of America (“Plaintiff”) brings this civil action against Defendant Humayun Kabir Rahman f/k/a Md Humayun Kabir Talukder a/k/a Ganu Miah a/k/a Shafi Uddin (“Defendant”), to revoke his naturalized U.S. citizenship. Defendant arrived in the United States in 1992 claiming his true name was Ganu Miah while in possession of a passport that did not belong to him. Defendant was paroled into the United States for the purpose of seeking asylum. His application was referred to immigration court, where an immigration judge ordered him excluded in 1998. In 1994, while the Ganu Miah proceeding was underway, Defendant sought asylum under the name Shafi Uddin. This application was also referred to immigration court, and he was ordered removed under this identity in

1997. Later in 1997, using a third identity—Md Humayun Kabir Talukder—Defendant applied for and received an immigrant visa through the diversity immigrant visa program. Defendant subsequently adjusted his status to permanent resident and, in 2004, was naturalized as a U.S. citizen. Defendant never disclosed that he had been ordered excluded, lied about his identity and immigration history under oath, and was never substantively eligible for the lawful permanent residency on which his naturalization was premised. Defendant’s naturalization was therefore unlawfully procured. Thus, with the attached affidavit of good cause, the United States of America brings this civil action to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization.

**I. JURISDICTION AND VENUE**

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Certificate of Naturalization No. 28294173 issued June 14, 2004.

2. This Court has subject-matter jurisdiction pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1345.

3. Venue is proper in this District pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Warren, Michigan, within the jurisdiction and venue of this Court.

## **II. PARTIES**

4. Plaintiff is the United States of America, suing on behalf of itself.

5. Defendant is a naturalized United States citizen, and purports to be a native and former citizen of Bangladesh.

## **III. FACTUAL BACKGROUND**

6. The affidavit of Caroline Lyly Nguyen, a Supervisory Immigration Services Officer with U.S. Citizenship and Immigration Services (“USCIS”), an agency within the U.S. Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

### **IMMIGRATION HISTORY**

#### **“Ganu Miah” Arrives in the United States and Is Placed in Exclusion Proceedings**

7. On February 16, 1992, Defendant arrived in the United States aboard British Airways flight 177 from London to New York.

8. Defendant presented a Bangladeshi passport bearing the name Md Jashim Uddin.

9. Immigration officers determined that the photograph in the passport had been altered.

10. Upon further inspection, Defendant provided a sworn statement through a Bengali-language interpreter that the passport did not belong to him and that his true name was Ganu Miah.

11. Defendant was paroled into the United States until March 2, 1992, for the purpose of applying for asylum.

12. On or about June 12, 1996, Defendant submitted a Form I-589, Request for Asylum in the United States (“Form I-589”).

13. On or about August 8, 1996, Defendant was interviewed in connection with his asylum application.

14. On or about August 9, 1996, a Form I-122, Notice to Applicant Detained/Deferred for Hearing Before Immigration Judge (“Form I-122”) was issued, charging Defendant with being excludable under 8 U.S.C.

§ 1182(a)(7)(A)(i)(I), as an immigrant not in possession of a valid, unexpired immigrant visa.

15. On or about August 22, 1996, Defendant was personally served the Form I-122.

16. Defendant and his attorney appeared in immigration court on September 25, 1996, November 1, 1996, and December 3, 1996.

17. On February 19, 1998, Defendant failed to appear in immigration court, but was represented by his attorney. On that date, an immigration judge ordered Defendant excluded and deported from the United States.

**“Shafi Uddin” Applies for Asylum and Is Ordered Removed**

18. On or about October 11, 1994, Defendant applied for asylum under the name Shafi Uddin.

19. In support of this asylum application, Defendant submitted a Form G-325A, Biographic Information (“Form G-325A”).

20. On the Form G-325A, Defendant stated that his name was Shafi Uddin and that he had never used any other names.

21. Defendant was interviewed in connection with this asylum application on or about September 13, 1995.

22. During the interview, Defendant stated under oath that his true and correct name was Shafi Uddin, that he entered the United States on July 16, 1994, and that he presented a passport bearing the name Syed Ali.

23. The asylum officer referred the matter to immigration court.

24. On or about September 27, 1995, Defendant was personally served with an Order to Show Cause and Notice of Hearing charging him with deportability under Immigration and Nationality Act (“INA”) § 241(a)(1)(A) (1996).

25. After appearing in person in immigration court and conceding the charges of deportability, Defendant failed to appear in immigration court on April 8, 1997, and an immigration judge ordered Defendant deported.

**“Md Humayun Kabir Talukder” Applies for an Immigrant Visa and Permanent Residency**

26. On or about October 6, 1997, Defendant, using the name Md Humayun Kabir Talukder, submitted Form DS-230, Parts I and II and supplemental registration (collectively, “Form DS-230”) to the U.S. Department of State’s National Visa Center.

27. On the Form DS-230, Defendant indicated that his name was Md Humayun Kabir Talukder, that he had never used any other names, that he had never sought to enter the United States in violation of law, and that he had never been refused admission to the United States.

28. The visa application was subsequently granted.

29. On or about November 15, 1997, Defendant filed a Form I-485, Application to Register Permanent Residence or Adjust Status (“Form I-485”).

30. On the Form I-485, Defendant stated under oath that his name was Md Humayun Kabir Talukder, that he was not in exclusion or deportation proceedings, and that he had never, by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa, other documentation, entry in to the United States, or any other immigration benefit.

31. In support of his Form I-485, Defendant submitted a Form G-325A in which he indicated that he had never used any other names.

32. Defendant was interviewed in connection with his Form I-485 on April 27, 1998, at which time he represented that he entered the United States at Buffalo, New York, in the back of a car.

33. On July 28, 1998, Defendant's Form I-485 was approved, according him permanent resident status.

## NATURALIZATION PROCEEDINGS

### **“Md Humayun Kabir Talukder” Applies for Naturalization**

34. On or about August 15, 2003, Defendant submitted a Form N-400, Application for Naturalization (“Form N-400”) to USCIS.

35. In Part 1, Question C, the Form N-400 asks, “If you have ever used other names, provide them below.” Defendant wrote “N/A.”

36. In Part 10, Section D, Question 16, the Form N-400 asks, “Have you **EVER** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?” (emphasis in original). Defendant checked the box marked “No.”

37. In Part 10, Section D, Question 23, the Form N-400 asks, “Have you **EVER** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?” (emphasis in original). Defendant checked the box marked “No.”

38. In Part 10, Section D, Question 24, the Form N-400 asks, “Have you **EVER** lied to any U.S. government official to gain entry or admission into the United States?” (emphasis in original). Defendant checked the box marked “No.”

39. In Part 10, Section E, Question 27, the Form N-400 asks, “Have you **EVER** been ordered to be removed, excluded, or deported from the United States?” (emphasis in original). Defendant checked the box marked “No.”

40. In Part 10, Section E, Question 28, the Form N-400 asks, “Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation?” (emphasis in original). Defendant checked the box marked “No.”

41. On or about August 10, 2003, Defendant signed his name in Part 11 of the Form N-400, thereby certifying under penalty of perjury that its contents were true and correct.

### **Naturalization Interview**

42. On May 24, 2004, a USCIS officer placed Defendant under oath and interviewed him regarding his Form N-400 application. During this interview, Defendant testified as follows:

a. Consistent with his statement in Part 10, Section D of his Form N-400, Defendant testified that he had never been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason.



b. Consistent with his statement in Part 10, Section D of his Form N-400, Defendant testified that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit, or to prevent deportation, exclusion, or removal.

c. Consistent with his statement in Part 10, Section D of his Form N-400, Defendant testified that he had never lied to any U.S. government official to gain entry or admission into the United States.

d. Consistent with his statement in Part 10, Section E of his Form N-400, Defendant testified that he had never been ordered to be removed, excluded, or deported from the United States.

43. At the end of his naturalization interview on May 24, 2004, Defendant again signed his Form N-400 under penalty of perjury, thereby attesting that the information it contained was true and correct.

44. Based on Defendant's sworn statements on his Form N-400 and at his naturalization interview, on May 24, 2004, USCIS approved Defendant's application for naturalization.

45. Based on his approved Form N-400, on June 14, 2004, Defendant was administered the oath of allegiance, admitting him to U.S. citizenship, and was issued Certificate of Naturalization No. 28294173.

46. At the time of naturalization, Defendant changed his name to Humayun Kabir Rahman.

#### **IV. GOVERNING LAW**

##### **Congressionally Imposed Prerequisites to the Acquisition of Citizenship**

47. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917).

Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981).

48. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. *See* 8 U.S.C. § 1427(a)(1); see also *id.* § 1429. The term “lawfully” requires compliance with substantive legal requirements for admission and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20).

49. An alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure, or has procured) a visa, other documentation, or admission into the United States or other immigration benefit is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

50. Congress has also mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character . . . .” *See* 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a United States citizen. *Id.*

51. Congress has explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

### **The Denaturalization Statute**

52. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

53. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual’s Certificate of Naturalization if his or her naturalization was *either*:

- a. illegally procured, *or*
- b. procured by concealment of a material fact or by willful misrepresentation.

54. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

55. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

56. Where the government establishes that the defendant’s citizenship was procured illegally or by willful misrepresentation of material facts, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517.

**V. CAUSES OF ACTION**

**COUNT I**

**ILLEGAL PROCUREMENT OF NATURALIZATION**  
**LACK OF GOOD MORAL CHARACTER**  
**(FALSE TESTIMONY)**

57. The United States re-alleges and incorporates by reference paragraphs 1 through 56 of this Complaint.

58. As discussed above, to be eligible for naturalization an applicant must show that he has been a person of good moral character for the five-year statutory period before he files his Form N-400, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). Thus, Defendant was required to prove that he was a person of good moral character from August 15, 1998, through June 14, 2004 (the “statutory period”).

59. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if he has given false testimony during the statutory period for the purpose of obtaining an immigration benefit. *See* 8 U.S.C. § 1101(f)(6).

60. Defendant provided false testimony for the purpose of obtaining an immigration benefit on May 24, 2004, when he was interviewed under oath in connection with his Form N-400.

61. Specifically, while under oath, Defendant testified that he had never been detained by a law enforcement officer; that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit, or to prevent deportation, exclusion, or removal; that he had never lied to any U.S. government official to gain entry or admission into the United States; and that he had never been ordered to be removed, excluded, or deported from the United States.

62. Defendant's testimony was false, because, as described above, Defendant was detained upon his arrival in the United States; Defendant gave false or misleading information to U.S. immigration officers concerning his identity on multiple occasions and while seeking multiple immigration benefits; Defendant lied about his identity to procure entry or admission into the United States; and Defendant had been ordered excluded under one identity and ordered removed under a different identity, neither of which were the identity he used to procure naturalization.

63. Defendant knew his testimony to be false.

64. Defendant provided false testimony for the purpose of obtaining an immigration benefit, namely, naturalization.

65. Because Defendant provided false testimony for the purpose of obtaining an immigration benefit during the statutory period, he lacked the good moral character necessary to be eligible to naturalize.

66. Because he was ineligible to naturalize, Defendant procured his citizenship illegally, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

## **COUNT II**

### **ILLEGAL PROCUREMENT OF NATURALIZATION** **NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE** **(PROCURED BY FRAUD OR WILLFUL MISREPRESENTATION)**

67. The United States re-alleges and incorporates by reference paragraphs 1 through 66 of this Complaint.

68. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence and have subsequently resided in this country for at least five years prior to the date of application. *See* 8 U.S.C. § 1427(a)(1); *see also id.* § 1429.

69. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity.

70. An alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure, or has procured) a visa, other

documentation, or admission into the United States or other immigration benefit is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

71. Defendant was never lawfully admitted as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because he was inadmissible at the time of his admission as a lawful permanent resident.

72. At the time Defendant was granted adjustment of status under the alias Md Humayun Kabir Talukder, he swore to, among other things, a name, date of birth, and date, place, and manner of entry into the United States that are irreconcilable with prior sworn statements on the same subject. Because Defendant made sworn statements in immigration benefit applications that cannot both be simultaneously true, he was inadmissible. By fraud or willfully misrepresenting a material fact, he either sought to procure or did procure a visa, other documentation, or admission into the United States or other immigration benefit. 8 U.S.C. § 1182(a)(6)(C)(i).

73. Because Defendant was inadmissible at the time he adjusted his status to that of a permanent resident, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.



74. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

75. The Court must therefore revoke Defendant's citizenship as provided for in 8 U.S.C. § 1451(a).

### **COUNT III**

#### **PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION**

76. The United States re-alleges and incorporates by reference paragraphs 1 through 75 of this Complaint.

77. Under 8 U.S.C. § 1451(a), this Court must revoke a naturalized person's citizenship and cancel his Certificate of Naturalization if that person procured his naturalization by concealment of a material fact or by willful misrepresentation.

78. As set forth above, Defendant concealed and willfully misrepresented on his Form N-400 and at his subsequent naturalization interview the following: that he had been detained by a law enforcement officer; that he had given false or misleading information to U.S. government officials while applying for immigration benefits, or to prevent deportation, exclusion, or removal; that he had lied to U.S. government officials to gain entry or admission into the United States;

and that he had been ordered to be removed, excluded, or deported from the United States.

79. Defendant knew that his willful misrepresentations and omissions about these matters were false and misleading, and he made such misrepresentations voluntarily and deliberately.

80. Defendant's willful misrepresentations and omissions were material to determining his eligibility for naturalization. Defendant's false statements and testimony had the natural tendency to influence a decision by USCIS to approve his Form N-400. Indeed, but for Defendant's concealment of material facts and willful misrepresentations, his statutory ineligibility for naturalization would have been disclosed, and USCIS would not have approved his Form N-400 or administered the oath of allegiance.

81. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts. This Court must therefore revoke his citizenship pursuant to the requirements of 8 U.S.C. § 1451(a).

## **VI. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, the United States of America, respectfully requests:

(1) A declaration that Defendant procured his citizenship illegally;

(2) A declaration that Defendant procured his citizenship by concealment of material facts and by willful misrepresentation;

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 28294173, effective as of the original date of the order and certificate, June 14, 2004;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his June 14, 2004 naturalization;

(5) Judgment requiring the Defendant to surrender and deliver within ten (10) days of Judgment his Certificate of Naturalization, as well as any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, or his representative, including undersigned counsel;

(6) Judgment requiring the Defendant to surrender and deliver within ten (10) days of Judgment any other indicia of U.S. citizenship, including, but not limited to, United States passports, voter registration cards, and other voting documents, as well as any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows

are in the possession or control of others), to the Attorney General, or his representative, including undersigned counsel; and

(7) Judgment granting the United States any other lawful and proper relief.

Dated: February 14, 2018

MATTHEW J. SCHNEIDER  
United States Attorney

PETER A. CAPLAN, P30643  
Assistant United States Attorney  
United States Attorney's Office  
Eastern District of Michigan  
211 W. Fort St., Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9784  
Email: peter.caplan@usdoj.gov

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

WILLIAM C. PEACHEY  
Director, District Court Section  
Office of Immigration Litigation

TIMOTHY M. BELSAN  
Deputy Chief, National Security &  
Affirmative Litigation Unit

/s/ Aaron R. Petty  
AARON R. PETTY, IL Bar 6293553  
Counsel for National Security  
District Court Section  
Office of Immigration litigation  
U.S. Department of Justice  
219 S. Dearborn St., 5<sup>th</sup> Floor  
Chicago, IL 60604  
Telephone: (202) 532-4542  
Facsimile: (202) 305-7000  
E-mail: Aaron.R.Petty@usdoj.gov

Counsel for the United States of  
America

# **Exhibit A**

UNITED STATES OF AMERICA )  
)  
In the Matter of the Revocation )  
of the Naturalization of )  
)  
Humayun Kabir Rahman, formerly Md )  
Humayun Kabir Talukder, A [REDACTED] 830 )  
a/k/a Ganu Miah, A [REDACTED] 842 )  
a/k/a Shafi Uddin, A [REDACTED] 386 )

AFFIDAVIT OF GOOD CAUSE

I, Caroline Lyly Nguyen, declare under penalty of perjury as follows:

I am an Officer with U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).<sup>1</sup> In this capacity, I have access to the official records of DHS, including the immigration files of Humayun Kabir Rahman, formerly Md Humayun Kabir Talukder, A [REDACTED] 830, a.k.a. Ganu Miah, A [REDACTED] 842, a.k.a. Shafi Uddin, A [REDACTED] 386 (hereafter RAHMAN).

I have examined records relating to RAHMAN, including but not limited to, his immigration files. Based upon my review of records relating to RAHMAN, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.

Based on the facts and law contained herein, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1451(a)<sup>2</sup>, to revoke the citizenship of RAHMAN and to cancel his Certificate of Naturalization.

The last place of residence for RAHMAN is [REDACTED], Warren, MI 48091.

<sup>1</sup>Pursuant to the Department of Homeland Security Reorganization Plan, Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003, the Immigration and Naturalization Service (INS) was abolished and its functions were transferred to USCIS within the DHS. This Affidavit will refer to INS or USCIS as appropriate.

<sup>2</sup> While some provisions of the Immigration and Nationality Act, as contained in the United States Code, have been renumbered throughout the years, not all provisions have undergone such renumbering. Where necessary, this Affidavit of Good Cause lists the applicable year for a United States Code reference. If no year is included within the citation, it means that the United States Code citation is the same today as it was during the time in question.

## BACKGROUND

DHS records establish that the person who naturalized as Humayun Kabir Rahman was previously ordered excluded under the name Ganu Miah, and previously ordered deported under the name Shafi Uddin.

### **Immigration History as Ganu Miah D.O.B.: 01/[REDACTED]/1970, A [REDACTED] 842**

1. On or about February 16, 1992, the individual in question, using the name Ganu Miah arrived at John F. Kennedy International Airport in New York, NY via British Airways Flight 177 from London. He presented a photo-substituted Bengali passport bearing the name MD. Jashim Uddin which contained a counterfeit Alien Documentation Identification and Telecommunication (ADIT) stamp indicating an OP-1 immigrant status under Alien Registration Number A [REDACTED] 493. In secondary inspection, Rahman admitted that the passport he presented did not belong to him.
2. In a sworn statement taken in the Bengali language before an Immigration Officer, he stated that his name was Ganu Miah, he was born on January [REDACTED], 1970 in Sylhet, Bangladesh, and he had never been known by any other name. He further stated that he obtained the passport through a friend and did not know the person whose name appeared in the passport. He stated that the purpose of his trip to the United States was to seek political shelter.
3. On February 16, 1992, RAHMAN was paroled into the United States until March 2, 1992 for completion of Form I-589, Application for Asylum and for Withholding of Deportation, and completion of inspection.
4. On or about June 12, 1996, RAHMAN filed Form I-589 with the Immigration and Naturalization Service (INS). He was assigned Alien Registration Number A [REDACTED] 842. On his Form I-589, signed under penalty of perjury, he indicated:
  - His name was Ganu Miah;
  - His address was [REDACTED] Bronx, NY 10462;
  - He was born on January [REDACTED], 1970 in Bangladesh;
  - He last arrived on March 3, 1992, and was paroled into the United States;
  - He had previously filed for asylum and withholding of deportation in the United States in 1992; and

- He lived at Village + Deulgram, Beanibazar, Sylhet, Bangladesh from January 1975 to March 1992.
5. On August 8, 1996, RAHMAN appeared for an interview regarding his Form I-589 at the INS Asylum Office in Lyndhurst, NJ. He signed a waiver of presence of attorney or representative in his asylum interview and provided testimony regarding his asylum claim via a Bengali interpreter.
  6. On August 9, 1996, in her Assessment/Referral Memo, the Asylum Officer noted that RAHMAN feared persecution by the Bangladesh government on account of his political opinion, but presented statements during the interview that were contradictory. Therefore, his testimony was found not credible and his case was referred to the Immigration Judge.
  7. On August 9, 1996, Form I-122, Notice to Applicant for Admission Detained/Deferred for Hearing before Immigration Judge, was issued charging RAHMAN with being excludable pursuant to INA § 212(a)(7)(A)(i)(I) – an immigrant not in possession of a valid, unexpired immigrant visa.
  8. On August 22, 1996, RAHMAN was personally served Form I-122 notifying him that he was scheduled to appear before an Immigration Judge on September 25, 1996, at 26 Federal Plaza, New York, NY 10278.
  9. On September 25, 1996, RAHMAN and his attorney of record, Salim Sheikh, appeared for the hearing and conceded personal service of Form I-122 as well as excludability pursuant to INA § 212(a)(7)(A)(i)(I).
  10. On November 1, 1996, RAHMAN and his attorney appeared for a scheduled hearing before the Immigration Judge.
  11. On December 3, 1996, RAHMAN and his attorney appeared for a scheduled hearing before the Immigration Judge.
  12. On February 17, 1998, RAHMAN's attorney submitted the following documents to the Immigration Judge in support of his Form I-589:
    - Certificate from the attending doctor regarding RAHMAN's assault on November 10, 1991;
    - Letter from the president of the Jatiya Juba Sanghati, Beanibazar certifying his membership in the organization;



- Letter from the president of the Jatiyo Party, Beani Bazar certifying his position as the General Secretary of the Unit;
  - Letter from his attorney, Md. Nural Islam certifying his persecution;
  - Birth Certificate, dated March 7, 1996, indicating that Ganu Miah was born on January [REDACTED] 1970 to Botton Miah and Joyrun Nessa, and that his birth was registered with the civil authorities on January [REDACTED], 1970
  - Bangladesh Country Report; and
  - Articles regarding the political situation in Bangladesh.
13. On February 19, 1998, RAHMAN did not appear for his scheduled hearing before the Immigration Judge, but was represented by his attorney. The Immigration Judge ordered RAHMAN excluded and deported from the United States.
14. On July 13, 1998, Form I-166 was mailed to RAHMAN at [REDACTED], Bronx, NY 10462, and his attorney notifying him that he was scheduled to appear on August 21, 1998 at 26 Federal Plaza, New York, NY 10278 for deportation from the United States. A certified mail receipt indicates that delivery of the Form I-166 was made on August 3, 1998 to RAHMAN's attorney.
15. On August 21, 1998, RAHMAN failed to appear and surrender as instructed on the Form I-166.

**Immigration History as Shafi Uddin**

**D.O.B.: 01/[REDACTED]/1969, A [REDACTED] 386**

16. On or about October 11, 1994, the individual in question, using the name Shafi Uddin filed Form I-589, Request for Asylum in the United States. He was assigned Alien Registration Number A [REDACTED] 386. On his Form I-589, signed under penalty of perjury, he indicated:
- His name was Shafi Uddin;
  - His address [REDACTED], Bronx, NY 10462;
  - His address abroad was Vill & P.O. Deul Gram, PS, Beani Bazar;
  - He was born on January [REDACTED], 1969, in Sylhet, Bangladesh;
  - He departed Bangladesh on July 15, 1994;
  - He arrived in the United States on July 16, 1994, at New York, NY as an applicant for political asylum;
  - He had never applied for asylum in the United States before; and

- He had never traveled to the United States before.

17. In support of his Form I-589, RAHMAN submitted a Form G-325A, Biographic Information, signed on September 29, 1994, listing the following information:

- His name was Shafi Uddin;
- He had never used any other names;
- He was born on February [REDACTED], 1969, in Bangladesh;
- His father was Abdul Rahman;
- His mother was Joyrun Begum;
- He resided at [REDACTED], Bronx from July 1994 to “present time” (September 1994); and
- He had previously resided abroad at Vill & P.O. Deul Gram, DIST: Sylhet, PS: Beani Bazar from February 1979 to July 1994.

18. On September 13, 1995, RAHMAN appeared for an interview regarding his Form I-589 at the INS Asylum Office in Lyndhurst, NJ. He signed a waiver of presence of attorney or representative in his asylum interview and provided testimony regarding his asylum claim via a Bengali interpreter.

19. During his asylum interview, RAHMAN completed a sworn statement through a Bengali interpreter and stated the following:

- His true and correct name was Shafi Uddin;
- He was born on January [REDACTED], 1969, in Sylhet, Bangladesh;
- He was a citizen of Bangladesh;
- His mother’s name was Joyrun Begum, a national of Bangladesh;
- His father’s name was Abdul Rahman, a national of Bangladesh; and
- He entered the United States on July 16, 1994, at New York, NY and at the time of his entry presented a passport in the name of Syed Ali.

20. During his asylum interview, RAHMAN submitted the following documents in support of his Form I-589:

- Letter from the president of the Jatiya Juba Sanghati, Beanibazar certifying his membership in the organization;

- Letter from the president of the Jatiyo Party, Beani Bazar certifying his position as the General Secretary of the Unit;
- Letter from his attorney, Md. Nural Islam certifying his persecution;
- Birth Certificate, dated June 24, 1995, indicating that Shafi Uddin was born on January [REDACTED], 1969 to Abdul Rahman and Joyrun Begum, and that his birth was registered with the civil authorities on January [REDACTED], 1969;
- Warrant of Arrest; and
- Bengali passport issued to him on January 31, 1995 by the Consulate General of Bangladesh, New York.

21. On September 15, 1995, in his Assessment/Referral Memo, the Asylum Officer noted that RAHMAN feared persecution by the Bangladesh government on account of his political opinion. The Asylum Officer found RAHMAN presented testimony which was clear, consistent, and detailed; however, his fears of persecution did not appear to be well-founded. RAHMAN failed to establish that the incidents or experiences he described, individually or by accumulation, constituted persecution. Therefore, his case was referred to the Immigration Judge.
22. On September 26, 1995, Form I-221, Order to Show Cause and Notice of Hearing, was issued charging RAHMAN with being deportable pursuant to INA § 241(a)(1)(A) (1996) – at the time of entry or adjustment of status, he was within one or more classes of aliens excludable by the law existing at such time, to wit: alien immigrant who was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by the Act, or who was not in possession of a valid unexpired passport, or other suitable travel document, or identity and nationality document if such document is required by regulations issued by the Attorney General under INA § 212(a)(7)(A)(i)(I).
23. On September 27, 1995, RAHMAN was personally served Form I-221 notifying him that he was scheduled to appear before an Immigration Judge on April 2, 1996, at 26 Federal Plaza, New York, NY 10278. Form I-221 was served to his attorney of record, Sheldon Walker, via certified mail. Delivery of that Form I-221 was confirmed on October 11, 1995.
24. On April 2, 1996, RAHMAN and his attorney appeared for the scheduled hearing before the Immigration Judge and conceded service of Form I-221 as well as the factual allegations and

the charge of deportability. He indicated that he would seek relief from deportation by applying for asylum, withholding, and voluntary departure.

25. On February 7, 1997, RAHMAN failed to appear for a hearing before the Immigration Judge due to medical reasons.
26. On April 4, 1997, RAHMAN again failed to appear for a hearing before the Immigration Judge due to medical reasons, but was represented by his attorney.
27. On April 8, 1997, RAHMAN failed, for the third time, to appear for a hearing before the Immigration Judge, but was represented by his attorney. After his attorney stated that he did not know where RAHMAN was, the Immigration Judge ordered him deported in absentia.
28. On April 25, 2011, Form I-166 was issued via certified mail to RAHMAN at [REDACTED], Bronx, NY 10462, and his attorney notifying RAHMAN that he was scheduled to appear on June 9, 2011, at 26 Federal Plaza, New York, NY 10278 for deportation from the United States.
29. On May 2, 2011, the Form I-166 was returned to USCIS as undeliverable.
30. On June 9, 2011, RAHMAN failed to appear and surrender as instructed on the Form I-166.

**Immigration History as Humayun Kabir Rahman,  
formerly Md Humayun Kabir Talukder  
D.O.B.: 12/[REDACTED]/1969, A [REDACTED] 830**

31. On or about October 6, 1997, the individual in question, using the name Md Humayun Kabir Talukder, submitted Forms DS-230, Part I, Application for Immigrant Visa and Alien Registration; DS-230, Part II, Application for Immigrant Visa and Alien Registration; and DSP-122, Supplemental Registration for the Diversity Immigrant Visa Program, to the National Visa Center.
32. On his Form DS-230, Part I, RAHMAN indicated the following information:
  - His name was Md Humayun Kabir Talukdar;
  - He had never used any other names;
  - He was born on December [REDACTED], 1969 in Dhubil, Raygonj, Sirajgong, Bangladesh;
  - His address was [REDACTED], Detroit, MI 48212;
  - His father was Md Abdur Rahman;
  - His mother was Jairun Begum; and

- He lived in Sylhet, Bangladesh from 1969 to May 1996.

33. On his Form DS-230, Part II, RAHMAN indicated the following information:

- His name was Md Humayun Kabir Talukdar;
- The name and address of the sponsoring person was Sufia Uddin at [REDACTED], Bronx, NY 10462;
- He was not an alien previously deported within one year, or arrested and deported within 5 years; an alien who sought or had sought a visa, entry in to the United States in violation of the law; an alien who was in violation of Section 274C of the INA;
- He had never applied for a visa to enter the United States; and
- He had never been refused admission to the United States.

34. On his Form DSP-122, RAHMAN indicated that his name was Md Humayun Kabir Talukdar. He also indicated that he had a high school degree, and within the last five (5) years, had at least two (2) years of experience in an occupation which requires at least two (2) years of training or experience, to wit: five (5) years cooking experience.

35. On November 5, 1997, RAHMAN filed Form I-485, Application to Register Permanent Residence or Adjust Status, pursuant to § 245 of the INA seeking to adjust status as the beneficiary of a diversity visa. He was assigned Alien Registration Number A [REDACTED] 830. He also filed Supplement A to Form I-485 to apply for benefits under Public Law 103-317. On his Form I-485, signed under penalty of perjury, he indicated that:

- His name was Md Humayun K. Talukder;
- His address was [REDACTED], Bronx, NY 10462;
- He was born on December 12, 1969, in Bangladesh;
- He last arrived on March 19, 1996, without inspection at Buffalo, NY;
- He was single with no children;
- He had never been deported from the United States, or removed from the United States at government expense, excluded within the past year, or was at that time in exclusion or deportation proceedings; and
- He was not under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or had, by fraud or willful

- misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit.
36. In support of his Form I-485, RAHMAN submitted a Diversity Visa Letter which instructed him to complete and return Forms DS-230, Parts I and II, as well as Form DSP-122 to the National Visa Center for visa processing under the Fiscal Year 1998 Diversity Visa Program.
37. He also submitted Form G-325A on which he indicated:
- His name was Md Humayun Talukder;
  - He was born on December [REDACTED], 1969, in Sirajgonj, Bangladesh;
  - He had never used any other names;
  - His father was Md Talukder;
  - His mother was Jairun Talukder;
  - He lived at [REDACTED], Bronx, NY from March 1996 to “present time”;
  - He previously lived in Deulgram, Beanibazar, Sylhet from January 1976 to February 1996.
  - He worked in Sylhet, Bangladesh as a cook at Hotel Al-Kwachwa & Restaurant from January 1988 to December 1993, and was owner of Kabri Restaurant from February 1994 to January 1996.
38. He also submitted a birth certificate, dated October 6, 1997, indicating that Md Humayun Kabir Talukder was born on December [REDACTED], 1968, in Siragonj, Bangladesh to Md Abadar Rahman Talukder and Jairun Begum. The certificate indicates that the birth was registered with the civil authorities on April 20, 1973.
39. As evidence of his work experience, RAHMAN submitted a letter from Monzur Kadir, manager/proprietor of Hotel Al-Kwachwa & Restaurant stating that he worked there as a cook from 1998 until he resigned in 1993.
40. On April 27, 1998, RAHMAN appeared for an interview regarding his Form I-485 at the INS Office in New York, NY. During the interview, he stated that he crossed into the United States through the Buffalo, NY check point in the back of a car, and that the Immigration Officer did not speak to him.
41. On July 28, 1998, RAHMAN was granted lawful permanent resident status in immigrant classification DV6 – principal diversity immigrant.

42. On August 15, 2003, RAHMAN filed Form N-400 pursuant to INA § 316(a), 8 U.S.C. § 1427, based upon having been a lawful permanent resident for a period of five (5) years. On his Form N-400, signed under penalty of perjury, he represented that:

- His name was Md Humayun Kabir Talukdar;
- He had never used any other names;
- He requested his name be legally changed to Humayun Kabir Rahman;
- He was born on December [REDACTED], 1969;
- He lived at [REDACTED], Bronx, NY from July 1998 to November 1998;
- He was absent from the U.S. from March 13, 1999 to September 7, 1999; December 16, 2000 to May 17, 2001; and January 24, 2004 to March 16, 2004;
- He had never given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;
- He had never lied to any United States government official to gain entry or admission into the United States;
- Removal, exclusion, rescission or deportation proceedings were not pending against him;
- He had never been removed, excluded, or deported from the United States;
- He had never been ordered to be removed, excluded, or deported from the United States; and
- He had never applied for any kind of relief from removal, exclusion, or deportation.

43. On May 24, 2004, RAHMAN appeared for an interview regarding his Form N-400 at the Detroit Field Office. During the interview and review of the application with Immigration Services Officer Simion Catau, he testified that the information on his Form N-400, along with any amendments made during the naturalization interview, and supporting documents were true and correct. He was asked the following :

- Current legal name?
- Date of birth?
- Absences from the United States?

- Have you **EVER** given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?
- Have you **EVER** lied to any United States government official to gain entry or admission into the United States?
- Are removal, exclusion, rescission or deportation proceedings pending against you?
- Have you **EVER** been removed, excluded, or deported from the United States?
- Have you **EVER** been ordered to be removed, excluded, or deported from the United States?

44. In response, RAHMAN stated that his name was “Md Humayun Kabir Talukder,” and that he was born on December [REDACTED], 1969. He confirmed that the absences listed on his Form N-400, verbally answered “no” to the remaining questions above. During the course of the naturalization interview, six (6) corrections<sup>3</sup> were made to the written answers initially provided on his Form N-400. At the conclusion of the interview, RAHMAN swore that the contents of his Form N-400, including the six (6) corrections, were true and correct.

45. On the basis of his written application and the testimony he provided during his naturalization interview, RAHMAN’s Form N-400 was approved on May 24, 2004. On June 14, 2004, RAHMAN took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. 28294173 with the name Humayun Kabir Rahman.

**Illegal Procurement of Naturalization  
Not Lawfully Admitted for Permanent Residence  
Inadmissible Based on Fraud or Misrepresentation**

1. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.

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<sup>3</sup> The first two corrections amended his full middle name from Humayan K to Humayan Kabir. The remaining four corrections amended the frequency of trips taken outside the United States, and the dates said travel occurred.



2. Among the INA provisions applicable at the time of RAHMAN's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
3. Under the law then in effect, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA was inadmissible. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).
4. Based on the information contained above, RAHMAN willfully misrepresented material facts, specifically, his multiple identities and immigration history in connection with the procurement of his lawful permanent residence.
5. Because RAHMAN misrepresented material facts, he was inadmissible to the United States at the time of his adjustment of status and was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

**Illegal Procurement of Naturalization  
Not Lawfully Admitted for Permanent Residence  
Final Order of Removal Outstanding at Adjustment**

6. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
7. Under the law in effect at the time of RAHMAN's adjustment of status to permanent resident, as today, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings. 8 C.F.R. § 1245.2(a)(1).
8. RAHMAN was subject to an order of deportation under the name of Uddin as of April 8, 1997, and filed his application for adjustment of status on November 5, 1997. Because RAHMAN misrepresented certain facts in connection with his application, INS was not aware of the order of the deportation proceedings and the outstanding order of deportation, and approved his application for adjustment of status on July 28, 1998.
9. Because the immigration court had exclusive jurisdiction over RAHMAN's application for adjustment of status at the time it was approved by INS, he was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

**Illegal Procurement of Naturalization  
Lack of Good Moral Character  
False Testimony**

10. As an applicant for naturalization under section 316(a) of the INA, RAHMAN was required to establish that he was a person of good moral character during the period beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the “statutory period.”
11. RAHMAN filed his application for naturalization on August 15, 2003; accordingly, he was required to establish that he was a person of good moral character from August 15, 1998, until the time of his admission to citizenship on June 14, 2004.
12. Under the law then in effect, an individual who, during the statutory period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).
13. Based on the facts set forth above, RAHMAN provided false testimony while under oath during his naturalization interview. Specifically, Rahman provided false testimony regarding: his use of other names and dates of birth; whether he had ever been in exclusion hearings or ordered excluded or deported; whether he had ever applied for relief from exclusion or deportation; whether he had given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation; and whether he had lied to gain entry or admission to the United States.
14. Because RAHMAN provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

**PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION  
OR CONCEALMENT OF MATERIAL FACTS**


15. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
16. Based on the facts contained above, RAHMAN willfully misrepresented his identity and immigration history throughout the naturalization process.

17. The misrepresentations made by RAHMAN during the naturalization process were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the decision whether to approve his naturalization application. In fact, RAHMAN misrepresented and concealed facts that would have shown that he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA, and thus was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.
18. RAHMAN was able to procure his naturalization because he concealed and misrepresented material facts regarding his identity and immigration history. Because RAHMAN procured naturalization by his concealment(s) and misrepresentation(s), he was not eligible for naturalization.

DECLARATION IN LIEU OF JURAT  
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 26, 2017, at 19809 Prairie Street, Chatsworth, California, 91311.



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Caroline Lyly Nguyen  
Supervisory Immigration Services Officer  
United States Citizenship and Immigration Services  
Department of Homeland Security